

WALL TOWNSHIP

ORDINANCE NO. 8 - 1990
AS AMENDED

ML-6 MOUNT LAUREL-6 ZONE DISTRICT

AND

ZONING MAP AMENDMENT

INTRODUCED AS AMENDED: JULY 25, 1990

PUBLIC HEARING: AUGUST 15, 1990

GILROY, CRAMER
& McLAUGHLIN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

TOWNSHIP OF WALL ORDINANCE NO.8 - 1990
AS AMENDED
AN ORDINANCE TO AMEND AND
SUPPLEMENT CHAPTER XV, "ZONING," OF
"THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WALL," 1977 AS AMENDED
AND SUPPLEMENTED.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, in the County of Monmouth and State of New Jersey, as follows:

SECTION 1 Chapter XV, "Zoning", Subsection 15-4.1, "Zones" is hereby amended to add the following zone:

"ML-6 Mount Laurel 6 Zone"

SECTION 2 Subsection 15-4.2.1, "Zoning Map Amendments," is hereby amended to add the following:

The map entitled "Zoning Map of the Township of Wall," dated May 30, 1979 as amended is hereby further amended and revised to include Block 907, Lots 17, 45, 49, and 50 as "ML-6," thereby deleting these lots from the M-1 Manufacturing Zone.

SECTION 3 A new Subsection 15-18.6 is hereby added to read as follows:

"15-18.6 ML-6-Mount Laurel 6 Zone.

15-18.6.1 Permitted Principal Uses. In the ML-6 Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:

- a. Town houses, provided that not more than eight (8) units shall be attached.
- b. Quadplexes.
- c. Multi-family structures containing flats or apartment units of up to sixteen (16) units per building, provided, however, that not more than eight (8) units shall be on each floor.
- d. Public parks, playgrounds and conservation areas.
- e. Municipal services and facilities.

15-18.6.2 - Permitted Accessory Uses

- a. Common parking areas.
- b. Common private recreational facilities and structures, and open space.
- c. Private attached garages with a capacity for garaging not more than two automobiles per dwelling unit.
- d. Storage sheds attached to individual dwelling units and/or structures containing dwelling units.
- e. Signs in accordance with the Wall Township Sign Regulations contained in Sections 15-22.
- f. Fences in accordance with the Wall Township Fence Regulations contained in Sections 15-20.
- g. Such other customary accessory uses and structures as may be permitted by the approving authority. All structures accessory to dwelling units shall be attached to the dwelling unit to which they are accessory. Any common storage facility shall be attached to a common building rather than free standing.

15-18.6.3 - Compliance with Site Plan Standards, Subdivision Standards and Regulations. Unless provided to the contrary herein, applications for development in the ML-6 Zone shall follow and be subject to the applicable ordinances, procedures, regulations, standards and guidelines as required for preliminary and final site plan and/or subdivision review and other applicable ordinances which are incorporated herein by reference.

15-18.6.4 - Definitions.

- a. Terms defined. The following definitions shall be used in interpreting and administering this Section only. In the case that a word or phrase in this Section is not defined herein, then the definitions contained in Section 14-2 shall apply.

DEVELOPABLE AREA - Shall mean land areas excluding existing streams, bodies of water, wetlands, 100-year floodplains and natural slopes of fifteen (15) percent or greater.

DENSITY - Shall mean the total number of dwelling units divided by the total number of acres within the residential development area.

NET DENSITY - Shall mean the total number of dwelling units divided by the number of acres of developable area located within the applicable contiguous developable area of the residential development area.

SLOPE - All references to the slope shall mean the natural slope of the land.

15-18.6.5 - Maximum Regulations. Development in the ML-6 Zone shall be subject to the following maximum regulations:

a. Density. The net density shall not be more than six (6) dwelling units per acre of developable area including upland areas dedicated as conservation areas.

b. Impervious Surfaces. The maximum total impervious surface, including buildings, shall be forty (40) percent of the developable area of the tract.

c. Building Height. Building height shall be a maximum of thirty-five (35) feet as set forth in the definition section of the Land Use Ordinance. Each building shall be limited to two (2) stories plus an attic and a basement which shall be all or partly below grade. Attics and basements shall be used only for storage, utilities or similar uses. The Planning Board may permit three (3) story structures on sloped areas of five (5) to fifteen (15) percent where buildings would be "shelved" into the slope.

d. Development on Slopes. No development of any building shall be permitted on slopes which exceed fifteen (15) percent. Roads and utilities may be developed on slopes which exceed fifteen (15) percent if the Planning Board finds that:

(1) Such development is necessary to the development of the site in accordance with principles of good planning; and

(2) That the developer will achieve such development with the minimum of disturbance to the slope and existing vegetation and that any disturbance shall be remediated to the maximum extent possible.

15-18.6.6 - Minimum Regulations. Development in the ML-6 Zone shall be subject to the following minimum regulations:

a. Setback requirements.

(1) Sixty-five (65) feet from an existing public street;

- (2) Twenty-five (25) feet from an internal road;
- (3) Twenty (20) feet from any internal parking access road;
- (4) Fifteen (15) feet from any internal parking area;
- (5) Sixty-five (65) feet from any external tract boundary;
- (6) Twenty-five (25) feet from any other structure, provided that when buildings have glass to glass proximity, a minimum of fifty (50) feet shall be provided unless the glass planes are at more than a fifteen (15) degree angle from one another;
- (7) Twenty (20) feet from any wetlands transition area.

b. Dwelling Unit Storage. No dwelling unit shall contain less than three hundred (300) cubic feet of storage space, which space may be in attics, basements or cellars or may be in an external storage area attached to the unit and which shall be in addition to closed space provided within the unit.

c. Dwelling Unit Width. No multi-family dwelling unit shall be less than twenty (20) feet in width.

d. Dwelling Unit Characteristics. Each dwelling unit shall contain, at a minimum, a separate bedroom, a separate bathroom and an kitchen which shall be located separate and apart from other rooms, with the exception of a dining area. The mix of dwelling units shall be in conformance with this Chapter.

e. Open Space and Recreation Areas. Active and passive recreational and open space areas shall be provided. There shall be a minimum of one acre of active recreation area for each 100 dwelling units or fractions thereof. Recreation shall include a multi-purpose field with dimensions sufficient for soccer and softball, picnic areas, tot-lots (one per 100 dwellings), and four (4) courts suitable for tennis or basketball, at least one (1) of which shall be devoted to tennis and one (1) devoted to basketball, and pedestrian paths and jogging trails (one per 100 dwellings). A swimming pool is optional by the developer. Common open space, recreational or other facilities shall be owned, operated and maintained as such by an association comprised of all the owners of the individual units. A multi-purpose

community center with an assembly room with a capacity for forty (40) to sixty (60) persons seated, offices and optional indoor recreation shall be constructed by the developer.

f. Buffer Areas. A landscaped buffer strip of at least thirty-five (35) feet in width shall be permanently maintained in accordance with the following regulations. The buffer area may be included in required setback areas and in regulated wetland transition areas.

(1) Buffer Location. Where the tract abuts an existing residential use and where any non-residential use abuts a residential use within the zone, a landscaped buffer strip at least thirty-five (35) feet in width shall be permanently maintained along the property line abutting the existing residential use. Existing vegetation shall be maintained to the greatest extent possible and supplemented if necessary to form a continuous planted buffer area.

(2) Requirements of Buffer Area. Buffer areas shall contain massed evergreen and deciduous trees and shrubs planted in such a manner that will provide a continuous screen throughout the entire year within two (2) full growing seasons following the planting of the buffer. Evergreen trees shall have a minimum height of five to six feet when planted, deciduous trees shall be a minimum of two (2) inch caliper and shrubs shall be of sizes and planted in accordance with American Association of Nurserymen's Standards.

(3) Use of Buffer Areas. Required buffers shall be used for no other purpose than as a buffer and as part of the required open space of the tract. The only structures which may be erected within a buffer area other than wetland transition area are fences as elsewhere regulated in this Chapter. All non-paved areas shall be suitably landscaped with trees, shrubs, grass, ground covers and other landscaping materials.

(4) Wooded Areas. Where an area required for a buffer is already wooded, it shall be left in its natural state, and the existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of this Chapter.

15-18.6.7 - Other Regulations. Developments in the ML-6 Zone

shall be subject to the following regulations, requirements and standards:

a. The front facade of any structure containing more than one dwelling unit shall not continue on the same plane for a distance of more than the width of four adjacent units. Offsets between front facade planes shall not be less than four feet nor more than twenty feet.

b. All utilities shall be installed underground by the developer.

c. All dwelling units shall be served by public water and sanitary sewer systems. The developer shall pay the cost of connection and transmission facilities necessary to connect to the sewer and water systems servicing the development.

d. Garbage, refuse storage and recyclable collection areas suitable for containerized collection shall be provided in sufficient numbers and at locations convenient to the dwelling units. Such areas shall be screened from view by solid masonry walls, or other suitable materials.

e. Garbage and refuse collection shall be provided and maintained by the body responsible for internal private streets and other common facilities.

f. Streets, roads, driveways, parking facilities, walkways, street lights, fire hydrants, drainage facilities and other improvements required by this Ordinance or appropriate or necessary to the development shall be installed at the expense of the developer in accordance with the specifications of this Ordinance except as modified herein.

(1) Drainage Maintenance (Section 17-7.14) in privately maintained streets shall be the responsibility of the developer and his successor in title.

(2) Private parking access drives shall intersect the interior private collector road at not less than one hundred (100) foot intervals on center.

(3) Common private parking ports shall not be classified as permanent dead end streets (Section 17-8.31).

g. All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Rights of access and enforcement shall be formally granted to the Township.

h. Internal private roads (Section 17-8.3d) shall have the following pavement widths.

(1) Interior private access roads shall be a minimum of thirty (30) feet wide with no parking provided, and thirty-six feet if parking is provided on one side. Access roads connecting to Township streets shall conform to Township street standards.

(2) Interior private collector roads shall have a minimum four foot wide concrete sidewalk. Where adjacent to overhang and parking areas, the minimum width of sidewalks shall be five feet six inches (5'6"). This sidewalk may be within a required setback area.

(3) Private parking access roads shall be a minimum of twenty-five (25) feet wide when included within any parking area.

i. At least two parking spaces shall be provided for each dwelling unit. In addition, guest parking shall be provided at the ratio of one space for every four units. At least one parking space for each dwelling unit shall be within one hundred feet of that dwelling unit measured along the route reasonably expected to be used to walk from the dwelling unit to the parking space. Parking stalls shall be a minimum of nine feet by eighteen feet. Handicapped parking stalls shall be twelve feet by eighteen feet and serviced by depressed curbing.

j. Development within the ML-6 Zone shall provide twenty (20) percent inclusionary low and moderate income dwelling units in accordance with Section 15-5.9, Low and Moderate Income Housing Regulations for Inclusionary Housing Developments. All conventional dwelling units may be constructed on a rental basis or may be offered for sale on a fee simple or condominium basis, subject to such restrictions and covenants as may be required to establish common rights and responsibilities. All low and moderate income units shall be rental units only.

k. All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners association, trust documents or other deeds or documents to provide for ownership and maintenance of common property and facilities shall be

submitted to the Township for review by the Planning Board and Township Attorney prior to final review of any subdivision or site plan.

1. In any case where the maintenance or repair of any wall, fence or other improvements by its owner or his agent would require entry upon the adjacent property, an appropriate easement or right shall be created in favor of the subject owner. All such easements shall be detailed in specifications as to the required notice and any limitations upon the right of entry and shall provide a specific means of arbitration in the event of disputes.

(1) Performance Guarantee. In the ML-6 Zone, the provisions of Section 15-18.1 with respect to performance guarantees shall apply.

(2) Maintenance Guarantee. In the ML-6 Zone, the provisions of Section 15-18.1m with respect to maintenance guarantees shall apply.

(3) Improvements Required Prior to Issuance of Certificate of Occupancy. In the ML-6 Zone, the provisions of Section 15-18.1n shall apply with respect to the issuance of certificates of occupancy.

(4) Inspection Fees. The provisions of Section 17-5.5a of this Ordinance pertaining to inspection fees shall be applicable to all development within the ML-6 Zone.

(5) The provisions of this Ordinance shall be specifically subject to the provisions of the Section 15-5.19, Low and Moderate Income Housing Regulations for Inclusionary Housing Development.

SECTION 4. Should any section, clause, sentence, phrase or other portion of this Ordinance be deemed by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect upon its passage and publication according to law, filing with the Monmouth County Planning Board and upon the entry of a Judgement of Compliance or a Consent Order pertaining to this property in the matter of Cove Industries, Ltd. v. Wall Township, Docket No. L-051262-84.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on April 11, 1990 and amended on July 25, 1990 and will be further considered for final passage and adoption at the Municipal Complex, 2700 Allaire Road, Wall, New Jersey on August 15, 1990 at 8:00 p.m. or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who request the same.

BEATRICE M. GASSNER, R.M.C.
Township Clerk

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